

NIGER 2016 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Niger is a multiparty republic. Following a February 21 first round of presidential elections, a run-off was held on March 20 in which incumbent President Issoufou Mahamadou won 92 percent of the vote; principal rival Hama Amadou received 8 percent. Observers from the African Union declared the election generally free and fair, despite an opposition boycott, several irregularities, and Amadou's imprisonment from November 2015 until March on what he claimed were politically motivated charges. Observers also characterized the February 21 National Assembly elections as free and fair.

Civilian authorities maintained effective control over the security forces. In December 2015 the government announced it had foiled an attempted coup allegedly involving military officers and several members of the opposition.

The most serious human rights problems included attacks by armed groups that resulted in death, disappearances, and abuse; harsh and life-threatening prison and detention center conditions; and trafficking in persons, including forced labor and caste-based slavery.

Other human rights problems included: security force killings of civilians and abuse of detainees; arbitrary arrest and detention; prolonged pretrial detention; executive interference in the judiciary; forcible dispersal of demonstrators; and restrictions on freedoms of press and assembly. The government restricted opposition political parties. Corruption was pervasive, and discrimination and violence against women and children were problems, including female genital mutilation/cutting (FGM/C) and child prostitution. Societal discrimination against persons with disabilities and the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community was a problem. Forced labor, child labor, and discrimination in employment on the basis of sex and disability continued.

The government took some steps to prosecute officials who committed abuses, but impunity was a problem.

Terrorist groups targeted and killed civilians and recruited child soldiers. The government charged child soldiers, when apprehended, with providing material support to a terror organization and detained them to await trial.

Section 1. Respect for the Integrity of the Person, Including Freedom from:**a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings**

There were reports that the government or its agents committed arbitrary or unlawful killings. For example, on July 23, security force members shot and killed two fishermen, Alhadji Hairam and Ichehou Bogobiri, in the village of Gueskerou, Diffa, over suspicions the two provided support to or were members of Boko Haram.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices; however, there were reports security forces beat and abused civilians.

Security officials reportedly inflicted severe pain and suffering on detainees in Diffa Region to secure information. These activities occurred during the state of emergency in Diffa. Security forces singled out members of the Bororo Fulani and Buduma ethnic groups for abuse; both groups were widely viewed as supporting Boko Haram.

UN investigations determined that Nigerien police forces serving in the UN Stabilization Mission in Haiti sexually exploited an adult in February. Another investigation determined that Nigerien military forces serving in the UN operation in Cote d'Ivoire sexually exploited two adults in September 2015. Investigations continued into additional incidents involving Nigerien forces in Cote d'Ivoire and the Central African Republic. The government removed the implicated peacekeepers from UN peacekeeping missions and began investigations.

Prison and Detention Center Conditions

Conditions in the country's 38 prisons were harsh and life threatening due to food shortages, gross overcrowding, and inadequate sanitary conditions and medical care. Guards subjected prisoners to humiliating treatment.

Physical Conditions: Overcrowding was a problem in all facilities. For example, in Kollo Prison, prisoners slept outside in the courtyard due to lack of space inside the wards. Large numbers of individuals detained and charged with terror offenses exacerbated overcrowding in Diffa, Niamey, Koutakale, and Kollo prisons and the Central Service for the Fight against Terrorism (SCLCT) detainee processing centers in Niamey and Diffa. Prison officials held female inmates in separate quarters that were less crowded and relatively cleaner than men's quarters. They generally held juveniles separately in special rehabilitation centers or in judicially supervised homes, although they held some juvenile prisoners with adult prisoners. Authorities held pretrial detainees with convicted prisoners.

Prison deaths occurred from malaria and meningitis, but no statistics were available.

Nutrition, sanitation, potable water, and medical care were poor, although officials allowed inmates to receive supplemental food, medicine, and other items from their families. Several prison facilities reported severe malnutrition. Basic health care was available, and authorities referred patients with serious illness to public health-care centers. Ventilation and lighting were inadequate.

Administration: Recordkeeping on prisoners was inadequate. There were no official penal or judicial alternatives to incarceration for nonviolent offenders. Judicial authorities and the governmental National Human Rights Commission (CNDH) investigated and monitored prison and detention center conditions and followed up on credible allegations of inhuman conditions. Prisons had no ombudsmen, but prison management generally permitted prisoners and detainees to submit complaints to judicial authorities without censorship.

Independent Monitoring: Authorities generally granted the International Committee of the Red Cross (ICRC), the CNDH, and human rights groups access to most prisons and detention centers, including police station jails, and these groups conducted visits during the year.

Improvements: During the year the government separated juvenile detainees held on terrorism charges from the general adult population by housing them in designated juvenile facilities.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the law prohibits detention without charge for more than 48 hours, but police occasionally violated these provisions.

Prior to the February parliamentary and first-round presidential elections, authorities detained members and supporters of opposition political parties, including singer Habsou Garba, who was charged with inciting civil disobedience before being granted provisional release.

Role of the Police and Security Apparatus

The national police, under the Ministry of the Interior, Public Security, Decentralization, and Customary and Religious Affairs (Ministry of Interior), is responsible for urban law enforcement. The gendarmerie, under the Ministry of National Defense, has primary responsibility for rural security. The National Guard, also under the Ministry of Interior, is responsible for domestic security and the protection of high-level officials and government buildings. The armed forces, under the Ministry of National Defense, are responsible for external security and, in some parts of the country, for internal security. During the year the government renewed a state of emergency in Diffa Region. Civilian authorities generally maintained effective control over security forces, although at times individual soldiers and police acted independently of the command structure.

Police were largely ineffective due to a lack of basic supplies, such as vehicle fuel, radios, and other investigatory and law enforcement equipment. Patrols were sporadic, and the emergency response time in Niamey could be 45 minutes or more. Police training was minimal, and only specialized police units had basic weapon-handling skills. National Guard troops acted as prison guards but had no prison-specific training. Citizens complained security forces did not adequately police border regions, remote rural areas, and major cities. Corruption remained a problem.

The gendarmerie is responsible for the investigation of police abuses; nevertheless, police impunity was a widespread problem.

Arrest Procedures and Treatment of Detainees

The constitution and law require arrest warrants. The law allows individuals to be detained for 48 hours without charge and an additional 48 hours if police need more time to gather evidence, although authorities sometimes held detainees

implicated in sensitive cases longer than legally permitted. Under the Terrorism Law, individuals detained on suspicion of committing terrorism-related offenses may be detained for 10 days, extendable once for an additional 10 days. This 10-day time period begins once suspects reach the Niamey SCLCT; terror suspects apprehended in the rural Diffa Region may spend days or weeks in custody before officials transport them to Niamey. Security forces usually informed detainees promptly of the charges against them. There was a functioning bail system for crimes carrying a sentence of less than 10 years. Authorities must notify those arrested of their right to a lawyer within 24 hours. The constitution calls for the government to provide a lawyer for indigents in civil and criminal cases, although this did not always occur. Widespread ignorance of the law and lack of funds prevented many defendants from exercising their rights to bail and an attorney. Except for detainees suspected of terrorism, authorities did not detain suspects incommunicado.

Arbitrary Arrest: Police occasionally conducted warrantless sweeps to detain suspected criminals.

Pretrial Detention: Lengthy pretrial detention was a problem. Although the law provides for maximum pretrial confinement of 30 months for serious crimes and 12 months for less serious offenses (with special extensions in certain sensitive cases), some detainees waited as long as five years to be tried. In November approximately 66 percent of prisoners nationwide were awaiting trial. Judicial inefficiency, inadequate resources, staff shortages, corruption, and executive branch interference lengthened pretrial detention periods. By contrast, high-profile detainees benefited from extended provisional release.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons arrested or detained are entitled to challenge in court the legal basis or arbitrary nature of their detention.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the executive branch sometimes interfered with the judicial process. The government reassigned some judges to low-profile positions after they asserted independence in handling high-profile cases or rendered decisions unfavorable to the government. There were allegations the government interfered or attempted to interfere in high-profile court cases involving opposition leaders. Judicial corruption--exacerbated by low salaries and inadequate training--and inefficiency remained problems.

There were reports family and business ties influenced lower-court decisions in civil matters. Judges granted provisional release pending trial to some high-profile defendants, who were seldom called back for trial and had complete freedom of movement, including departing the country, and could run as candidates in elections.

Customary courts and traditional mediation did not provide the same legal protections as the formal court system. Traditional chiefs may act as mediators and counselors. They have authority to arbitrate many customary law matters, including marriage, inheritance, land, and community disputes, but not all civil issues. Chiefs received government stipends but had no police or judicial powers.

Customary courts, based largely on Islamic law, try only civil law cases. A legal practitioner with basic legal training, advised by an assessor with knowledge of the traditions, heads these courts. Formal law does not regulate the judicial actions of chiefs and customary courts, although defendants may appeal a verdict to the formal court system. In contrast with the formal court system, women do not have equal legal status with men in customary courts and traditional mediation, nor do they enjoy the same access to legal redress.

Trial Procedures

The law affirms the presumption of innocence. Defendants have the right to be informed promptly and in detail of the charges against them. Authorities provided free interpretation for defendants who do not speak French, the official language, from the moment charged through all appeals. Trials are public, and defendants have the right to be present at their trial. Defendants have the right to counsel, which is at public expense for minors and indigent defendants charged with crimes carrying a sentence of at least 10 years' imprisonment. The government has a legal obligation to inform defendants of all evidence against them, and defendants have access to government-held evidence. Officials provided defendants adequate time and facilities to prepare a defense. Defendants have the right to confront witnesses and present witnesses and evidence on their own behalf. They are not compelled to testify or confess guilt. Defendants may appeal verdicts, first to the Court of Appeals and then to the Supreme Court. Although the constitution and law extend these rights to all citizens, widespread ignorance of the law prevented many defendants from taking advantage of these rights. Judicial delays due to the limited number of jurisdictions, staff shortages, and lack of resources were common.

Political Prisoners and Detainees

In late 2015 and early 2016, authorities detained 13 members of the opposition MODEN-FA Lumana Party, including party head Hama Amadou. Hama and eight other members subsequently were granted provisional release, but four still awaited trial on charges of assisting a purported planned coup in December 2015. Authorities generally granted the ICRC, the CNDH, and human rights groups access to political prisoners, and these groups conducted visits during the year.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights violations. They may also appeal decisions to the Court of Justice of the Economic Community of West African States (ECOWAS). Individuals and organizations may appeal adverse domestic court decisions to regional human rights bodies, such as the ECOWAS Community Court of Justice.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law generally prohibit such actions, but there were exceptions. Police may conduct searches without warrants when they have a strong suspicion a house shelters criminals or stolen property. Under state-of-emergency provisions in Diffa Region, authorities may search houses at any time and for any reason.

g. Abuses in Internal Conflicts

The regional fight against the terrorist group Boko Haram continued.

Killings: There were numerous reported killings in the fight against Boko Haram, which was responsible for civilian deaths. On September 2, for example, Boko Haram militants killed five civilians in Toumour, Diffa Region.

Abductions: Boko Haram reportedly abducted an unknown number of civilians. Armed groups in northern Tillabery Region also abducted several villagers during the year.

Physical Abuse, Punishment, and Torture: Boko Haram militants often targeted noncombatants, including women and children, and used improvised explosive devices without measures to prevent civilian casualties.

Child Soldiers: Boko Haram recruited and used children in both combatant and noncombatant roles. There were reports of forced marriages to Boko Haram militants.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Other Conflict-related Abuse: Aid organizations in Diffa Region were often unable to obtain the required security escorts to travel outside of Diffa town for aid distribution; security forces deemed certain areas insufficiently secure for humanitarian access and at times did not have sufficient resources to provide escorts. Boko Haram militants attacked several medical facilities, often following recent pharmaceutical resupply, and stole medicine and supplies. Boko Haram militants burned homes and villages, displacing civilians.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, but the government sometimes threatened and arrested journalists and members of the media.

Freedom of Speech and Expression: On June 14, authorities detained Abdoul Moumouni Ousmane after he posted comments on Facebook critical of the government. Ousmane was given a six-month suspended sentence for attempting to foment a coup.

Violence and Harassment: Authorities subjected journalists to arrest, physical attack, harassment, and intimidation due to their reporting.

For example, on June 8, security forces arrested two journalists and a printer at independent newspaper *Le Courier* for “divulging documents” related to a criminal investigation of Ministry of Public Health officials accused of corruption in the administration of an employment examination. The two journalists, Moussa Dodo

and Ali Soumana, were convicted and given three-month suspended sentences; the printer was acquitted and released.

The minister of communications revoked the press credentials of French journalist Nathalie Prevost after she reported critically on military developments in Diffa Region. The CNDH expressed concern over attacks on fundamental liberties, including the detention of journalists.

Censorship or Content Restrictions: Journalists practiced self-censorship, and public media generally did not cover the statements or activities of opposition parties and civil society organizations critical of the government.

National Security: The declaration of the state of emergency in Diffa Region grants the government the authority to censor media for security reasons.

Internet Freedom

Authorities detained activists and charged them for expressing political opinions on social media. Sonitel, the government-owned telecommunications company, indefinitely blocked access to certain websites, such as those of Boko Haram, under orders from the High Commission for New Technology and Communication.

According to the International Telecommunication Union, approximately 2.2 percent of the population used the internet in 2015.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Although the constitution and law provide for freedom of assembly, police forcibly dispersed demonstrators. The government retained authority to prohibit gatherings under tense social conditions or if organizers did not provide 48-hour advance notice.

The government banned planned opposition political rallies in February and April.

Municipal authorities often denied official permission for opposition demonstrations and rallies. For example, in October police in Zinder city forcibly dispersed university students protesting delayed education subsidy payments.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this freedom. The law does not permit political parties based on ethnicity, religion, or region.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government respected most of these rights.

Abuse of Migrants, Refugees, and Stateless Persons: International organizations reported incidents of early marriage among internally displaced persons (IDPs) in Diffa Region not living in camps.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, asylum seekers, or other persons of concern. UNHCR-managed sites hosted approximately 61,000 Malian refugees in Tillabery and Tahoua regions. UNHCR also managed one camp in Diffa Region for refugees and one camp in Diffa Region for IDPs. More than 92 percent of IDPs in Diffa Region, however, resided outside of formal camps.

In-country Movement: Security forces at checkpoints throughout the country monitored the movement of persons and goods, particularly near major population centers, and sometimes demanded bribes. Transportation unions and civil society groups continued to criticize such practices.

Internally Displaced Persons

More than 180,000 individuals fled Boko Haram-instigated violence in parts of Diffa Region. These IDPs resided mainly in host communities in the region. Heavy seasonal rains left several thousand individuals homeless in July and August. The government worked with foreign donors, international aid organizations, and nongovernmental organizations (NGOs) to supply these IDPs with shelter, food, water, and other necessities. The government engaged in efforts to promote the safe voluntary return or resettlement of IDPs.

IDPs in Diffa Region were vulnerable to armed attacks and unlawful recruitment of child soldiers by Boko Haram.

International humanitarian organizations reported that intercommunal conflict between farmers and herders and between rural communities and bandits, especially in northern Tillabery Region, resulted in displacement. Competition for scarce resources--spurred by desertification and population growth--resulted in periodic conflict between farmers and herders. Incursions by armed rebels from Mali and sporadic acts of banditry on main roads also caused residents to flee.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

An estimated 61,000 registered Malian refugees remained in the country with prima facie refugee status. Refugees lived primarily in three camps (Tabareybarey, Mangaize, and Abala) and two official “refugee zones” (Tazalite and Intekan) where the refugees could settle freely with their livestock and thus maintain their traditional pastoral way of life. The government and humanitarian organizations provided assistance to refugees. In addition, approximately 10,000 refugees lived in spontaneous settlements along the border with Mali and had limited access to humanitarian assistance.

Conflict between Boko Haram and the Nigerian military in northeastern Nigeria triggered a flow of thousands of persons into Niger. Diffa Region hosted more than 300,000 persons displaced by the conflict in recent years.

Temporary Protection: The government provided temporary protection to an unknown number of individuals who may not qualify as refugees under the 1951 Refugee Convention or its 1967 protocol.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: On February 21, the country held a first round of legislative and presidential elections in which incumbent President Issoufou Mahamadou won 48.4 percent of the vote in a field of 15 candidates. On March 20, the president won 92 percent of the vote in a second round election against runner-up Hama Amadou. Amadou--who spent the majority of the election season in prison on fraud charges he claimed were politically motivated--received 8 percent of the vote. Amadou's supporters boycotted the runoff, citing complaints including lack of media access. Observers from the African Union declared the election generally free and fair, despite numerous irregularities and Amadou's imprisonment. A coalition led by the Nigerien Party for Democracy and Socialism (PNDS) backed Issoufou and won 118 of 171 National Assembly seats in the legislative elections. The opposition MODEN-FA Lumana party won 25 seats, and the National Movement for the Development of Society won 20 seats. PNDS party member Brigi Rafini retained his post as prime minister.

Political Parties and Political Participation: The government intermittently banned opposition political party activities and limited opposition access to state media. Opposition parties and civil society groups criticized voter registration efforts, noting some citizens were not able to register and citing concerns about inflated registration figures in some regions.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and women and minorities participated. Cultural factors, however, limited women's political participation. The law mandates that women fill at least 30 percent of senior government positions and at least 15 percent of elected seats. There were eight female ministers in the 43-member cabinet (19 percent). Women held 26 of 171 National Assembly seats (15 percent). All major ethnic groups had representation at all levels of government. There were eight seats in the National Assembly designated for representatives of "special constituencies," specifically ethnic minorities and nomadic populations.

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The World Bank's most recent Worldwide Governance Indicators reflected that corruption was a severe problem. The government publicly acknowledged corruption was a problem, and there were several reports of government corruption during the year.

Corruption: Civil servants often demanded bribes to provide public services. A poorly financed and trained law enforcement establishment and weak administrative controls compounded corruption. Other contributing factors included poverty, low salaries, politicization of the public service, traditional kinship and ethnic allegiances, a culture of impunity, and the lack of civic education.

An investigation uncovered a corrupt civil servant recruitment scheme at the Ministry of Public Health. Several high-level officials were implicated.

Financial Disclosure: The constitution requires the president of the republic, presidents of other government institutions, and cabinet members to submit written statements of their personal property and other assets to the Constitutional Court upon assuming office, and they complied. These statements are to be updated annually and at the end of an individual's tenure. The National Register and the press published the initial statements and updates. Copies of the statements were forwarded to the government's fiscal services. Filers must explain any discrepancies between the initial and the updated statements. The Constitutional Court has authority to assess discrepancies, but there was no indication it questioned a declaration's veracity or imposed sanctions. The law does not allow designated officials to purchase or rent, by themselves or through other parties, any government-owned property or to bid for government contracts. The High Authority to Combat Corruption and Related Crimes and the State Inspectorate have investigative roles, with the State Inspectorate being more administrative.

Public Access to Information: The law provides for access to public information and administrative documents, and the High Council of Communications provided such information. Requesters could also obtain many documents from individual ministries and the national archives. The law provides a list of "communicable" and "noncommunicable" documents and establishes procedures for accessing them

and paying related costs. If officials deny access to a document, they are required to notify the requester in writing and provide the legal grounds for denial. The law provides an appeal mechanism for review through the national mediator, and legal complaints were referred to the Administrative Court. It also provides for sanctions against agencies, individual civil servants, and users for noncompliance.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. At times the government, citing security concerns, restricted access to certain areas of Diffa Region.

Government Human Rights Bodies: The CNDH is responsible for investigating and monitoring a wide variety of human rights issues, including prison and detention center conditions. The Office of the Mediator of the Republic served as an official government ombudsman, including on some human rights issues. The CNDH and the mediator operated without government interference, although they often lacked the resources necessary to carry out their work effectively.

The government gave mandates to and partially staffed the National Commission for the Coordination of the Fight against Trafficking in Persons and the National Agency for the Fight against Trafficking in Persons, but it did not fully fund them.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape is punishable by 10 to 30 years in prison, depending on the circumstances and age of the victim. Rape was a widespread problem. Most rape cases went unreported due to victims' fear or shame. According to the prime minister, surveys on sex-based violence in 2010 showed that 43.2 percent of women nationwide had experienced physical violence at some point in their lives, while 28.3 percent had experienced sexual violence.

The law does not explicitly recognize spousal rape, and authorities seldom prosecuted it. Victims often sought to deal with the rape within the family or were

pressured to do so, and many victims did not report spousal rape due to fear of retribution, including loss of economic support.

Domestic violence against women was reportedly widespread, although reliable statistics were not available regarding numbers of incidents, prosecutions, or convictions. Husbands commonly beat their wives.

While the law does not explicitly prohibit domestic violence, a woman may sue her husband or lodge criminal charges for battery, penalties for which range from two months in prison and a fine of 10,000 CFA francs (\$17) to 30 years' imprisonment. The government tried with limited success to enforce these laws, and courts prosecuted cases of domestic violence when they received complaints. Charges stemming from family disputes often were dropped in favor of traditional dispute-resolution mechanisms. While women have the right to seek redress for violence in the customary or formal courts, few did so due to ignorance of redress offered by the legal system and fear of spousal or familial repudiation, further violence, or stigmatization. Through several events receiving widespread media coverage--such as International Women's Day (March 8), National Women's Day (May 13), and International Day of the Girl (October 11)--the Ministry of Women's Promotion and Children's Protection, international organizations, NGOs, and women's organizations conducted public awareness campaigns on violence against women and legal recourse available to them.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, which is punishable by six months to three years in prison. If an FGM/C victim dies, the practitioner may be sentenced to 10 to 20 years in prison. There were no reports of FGM/C perpetrated on women who were 18 and over. FGM/C was practiced on young girls, with clitoridectomy the most common form. Dangouria, a form of FGM/C found only in the country, also was common. It consisted of cutting away the hymen of newborn girls by traditional barbers known as wanzam. Certain ethnic groups--predominantly the Fulani (Peuhl) and Djerma in the west--practiced FGM/C. According to demographic and health surveys, the FGM/C rate nationwide was 2 percent in 2012, the most recent available information.

Other Harmful Traditional Practices: The practice continued of taking a "fifth wife," or "wahaya," in which girls and women were sold into slavery to perform labor and sexual services. Polygyny is legal and was practiced widely.

There continued to be serious stigma associated with being the descendant of a slave.

Sexual Harassment: Sexual harassment is a crime punishable by prison sentences of three to six months and fines of 10,000 to 100,000 CFA francs (\$17 to \$170). If the violator is in a position of authority over the victim, the prison sentence is three months to one year and the fine is increased to 20,000 to 200,000 CFA francs (\$34 to \$340). Nevertheless, sexual harassment was common. Courts enforced applicable laws in the small percentage of cases reported.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children and to manage their reproductive health free from discrimination, coercion, or violence, but they often lacked the information and means to do so. Information regarding reproductive rights was not readily available.

Due to a shortage of skilled health professionals and limited resources, many women used traditional midwives during childbirth and were referred to hospitals only when the mother or child suffered health complications. According to the 2012 Demographic and Health Survey (DHS), 30 percent of births took place in health centers, and skilled personnel attended 29 percent of births. According to the World Health Organization, the maternal mortality ratio (the number of maternal deaths per 100,000 live births) was 553 in 2015, and the lifetime risk of maternal death was one in 20. Major factors influencing maternal mortality included lack of prenatal care, high rates of adolescent pregnancy, diseases during pregnancy, infections after birth, malnutrition, and lack of access to emergency obstetric care. According to the 2012 DHS, only 6 percent of girls and women between the ages of 15 and 19 and 12 percent of those between the ages of 15 and 49 used a modern method of contraception. The UN Population Division estimated 13.9 percent of girls and women between the ages of 15 and 49 used a modern method of contraception in 2015.

Discrimination: Although the constitution provides for equal legal status and rights regardless of sex, women do not have the same rights as men under family law, which customary courts usually adjudicate. In customary law, legal rights as head of household typically apply only to men. Customary law does not consider a divorced or widowed woman, even with children, to be a head of household. Traditional and religious beliefs resulted in discrimination in marriage, divorce, child custody, employment (see section 7.d.), credit, pay, owning or managing a business or property, education, the judicial process, and housing. Discrimination was worse in rural areas, where women helped with subsistence farming and did most of the childrearing, cooking, water- and wood-gathering, and other work. In

the absence of a formal will stating otherwise, a daughter's share of a deceased parent's property is half the size of a son's share. In the east there were reports some husbands cloistered their wives and prevented them from leaving their homes unless escorted by a male relative, usually even then only after dark.

The Ministry of Women's Promotion and Children's Protection and the Ministry of Labor and Civil Service implemented the government policies against discrimination.

Children

Birth Registration: Children derive citizenship from their parents, as long as one parent is a citizen. Birth registration, especially in remote rural areas and in nomadic communities, did not take place promptly due to parental poverty, lack of awareness, and distance from government services. With support from UNICEF, the government worked to address this problem, and several NGOs encouraged birth registration. The government's failure to register births did not result in denial of public services, although it complicated the process of qualifying as a candidate for public office. According to the 2012 DHS, 64 percent of children under the age of five had their births registered and 29 percent had a birth certificate; percentages were significantly higher in urban areas and lower elsewhere.

Education: Six years of elementary education are compulsory, tuition free, and universal from the age of six. Students often had to buy their own books and supplies. According to the National Institute of Statistics, in 2012 the primary school completion rate for children in school was 71 percent for girls and 88 percent for boys. Many parents kept young girls at home to work, and girls rarely attended school for more than a few years.

Child Abuse: Violence against and abuse of children were common. The law prescribes penalties for child abuse. For example, parents of minors who usually engage in begging, or any person who encourages children to beg or profits from their begging, may be sentenced to six months to one year's imprisonment. The abduction of a minor less than 18 years of age is punishable by two to 10 years' imprisonment. The penalty for abduction for ransom is life imprisonment.

Each district court and magistrate court had at least one judge who addressed children's issues, including child labor. All judicial police sections at the regional and district levels may handle cases involving juveniles and refer them to judges.

The government also collaborated with UNICEF and the International Labor Organization (ILO) on programs designed to improve enforcement of the law and to sensitize civil servants, parents, traditional chiefs, and other key actors to children's rights.

Early and Forced Marriage: The law allows a girl deemed to be “sufficiently mature” to marry at age 15. Some families entered into marriage agreements under which rural girls who were 12 or even younger were sent to their husband's families to be under the “supervision” of their mothers-in-law. According to the UN Population Fund (UNFPA), 28 percent of women between the ages of 20 and 24 married before the age of 15 and 76 percent married before the age of 18. According to the 2012 DHS, 36 percent of women between the ages of 20 and 24 were first married or in union before they were 15. Prevalence of child marriage was highest in the south, in the Diffa, Zinder, Maradi, and Tahoua Regions. According to the 2012 DHS, 44.8 percent of women between the ages of 20 and 49 had given birth before they were 18 and 8.7 percent before they were 15.

The Ministry of Women's Promotion and Children's Protection cooperated with women's associations to sensitize traditional chiefs and religious leaders in rural communities to the problem of early marriage. The UNFPA was working at the community level with the Association of Traditional Chiefs to raise awareness of the problem, including the risk of maternal death and disability.

Female Genital Mutilation/Cutting (FGM/C): See information for girls under 18 in the women's section above.

Sexual Exploitation of Children: Although the law criminalizes the procurement of a minor for the purpose of prostitution, child prostitution was a problem. The minimum age of consensual sex is 13 for both boys and girls.

The law provides that “exploitation shall include, at minimum, slavery or practices similar to slavery” and adds that the recruitment, transport, transfer, harboring, or receiving of a minor under the age of 18 for the purposes of exploitation shall be considered trafficking in persons. The penalty for violators is five to 10 years in prison and a fine of 500,000 to five million CFA francs (\$850 to \$8,500). If the victim is under the age of 18, the penalty is 10 to 30 years' imprisonment. If the victim dies, the penalty is life imprisonment.

The penal code provides for two to five years' imprisonment and a fine of 50,000 to 500,000 CFA francs (\$85 to \$850) for the prostitution of children. The law

prohibits “indecent” acts against victims under the age of 18. It leaves to judges to determine what constitutes an indecent act. Such activity and a related statute against “the incitement of minors to wrongdoing” are punishable by three to five years in prison. This provision also applies to child pornography. Girls, in particular, reportedly were trafficked for forced prostitution along the main East-West highway, particularly between the cities of Birni n’Konni and Zinder along the border with Nigeria. Families of victims were often complicit in child prostitution.

Infanticide or Infanticide of Children with Disabilities: Infanticide occurred, and authorities incarcerated a sizeable proportion of the female prison population for this crime, which was often committed to hide pregnancies out of wedlock.

Displaced Children: Many displaced boys from rural areas were indentured to Islamic schools, where they were forced to beg on the streets of larger cities. Displaced children had access to government services. Unaccompanied migrant children transited Niger en route to Libya, Algeria, and Europe. Some unaccompanied migrant children travelled to the Djado gold fields to find work in unregulated gold mines.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

There was no significant Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, mental, and sensory disabilities in employment, education, and access to health care, the judicial system, and other government services. The government

generally enforced these provisions. The law does not specifically mention air travel and other transportation. There were no specific regulations in place mandating accessibility to buildings, transportation, and education for persons with disabilities. Persons with disabilities suffered from social stigma, low levels of education, and fewer job opportunities than the average citizen. The law mandates that new government buildings be accessible to persons with disabilities, but often architects and construction firms ignored this requirement; the law was not enforced.

Societal discrimination also existed against persons with disabilities, particularly those with mental disabilities or physical disabilities caused by leprosy. Children with disabilities attended school but faced difficulties, including a lack of adapted instruction and materials as well as with the evaluation system. There were three schools for children with hearing disabilities, one school for blind children, and five inclusive classes for blind children in mainstream public schools.

National/Racial/Ethnic Minorities

Members of the Buduma and Bororo Fulani minority ethnic groups faced governmental and societal discrimination due to a widespread perception that the two groups supported or facilitated Boko Haram's activities.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

There was strong societal stigma against same-sex sexual activity, but there are no laws criminalizing consensual same-sex sexual activity in general. The law states an "unnatural act" with a person under the age of 21 of the same sex is punishable by six months to three years in prison and a fine of 10,000 to 100,000 CFA francs (\$17 to \$170).

Gay men and lesbians experienced societal discrimination and social resentment. Two gay rights associations reportedly conducted their activities secretly, in part because they were not officially registered. Due to societal pressure, many LGBTI individuals married and had families, often while pursuing LGBTI relationships in secret. There were no reports of violence against individuals based on their sexual orientation or gender identity. International organizations and NGOs continued efforts to raise awareness of LGBTI issues and the problem of social stigma.

There were no documented cases of discrimination in employment, occupation, housing, statelessness, or access to education or health care based on sexual orientation. Observers believed stigma or intimidation impeded individuals from reporting such abuse.

HIV and AIDS Social Stigma

Persons with HIV/AIDS experienced societal discrimination, although strong government efforts discouraged such discrimination. In conjunction with several other organizations working on HIV/AIDS issues, the government continued its antidiscrimination campaign. The labor code provides for protection against discrimination for persons suffering from diseases such as HIV/AIDS and sickle cell anemia.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law provide for the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. The law provides for freedom of association, but the government had not adopted implementing regulations to enforce the law. While there were no provisions that limit collective bargaining in nonessential services, certain provisions restrict certain categories of public servants not engaged in the administration of the government from exercising their right to collective bargaining.

The constitution and law provide for the right to strike, except for police and other security forces. The law restricts the right to strike by public servants in management positions and workers in certain “essential services,” the scope of which was broader than that envisioned in ILO conventions. The law defines strategic and/or essential services that require minimum service during a strike, including telecommunications, health, government media, water supply, electricity distribution, fuel distribution, air traffic control, financial services, public transportation, garbage collection, and government authority services. Legal restrictions usually involve requiring civil servants to report to work during a legally notified strike. There are no prohibitions on strikes in nonessential services. Workers must give employers at least three days’ advance notice of intent to strike.

The law allows unions to conduct their activities without interference. The law prohibits antiunion discrimination and provides for damages (instead of reinstatement) for workers dismissed for union activity. There are no provisions applicable to public service employees, however, that explicitly prohibit acts of antiunion discrimination or interference or that prescribe sufficient penalties to deter violations in the public sector.

The government effectively enforced applicable laws in the public and private sectors. Penalties for violations included imprisonment and fines; these penalties were generally sufficient to deter violations. Enforcement in the informal sector, however, was limited because this sector was largely nonunionized.

Authorities respected freedom of association and the right to collective bargaining, and workers exercised these rights. Unions exercised the right to bargain collectively for wages above the legal minimum and for more favorable working conditions. There were no reports of antiunion discrimination or retaliation for union activities during the year. The nonunionized subsistence agricultural and small trading sectors employed approximately 80 percent of the workforce.

b. Prohibition of Forced or Compulsory Labor

While the law prohibits forced labor, it does not prohibit all forms of forced or compulsory labor. The term “forced or compulsory labor” is interpreted to mean “any labor or service required of a person under the threat of punishment and for which the individual has not given full consent.” The government did not effectively enforce these laws.

The labor code imposes stringent penalties including fines and imprisonment for forced labor, but the penalties were not sufficient to deter violations. Information on the number of victims removed from forced labor was not available.

The government, particularly the Ministry of Interior and the Ministry of Labor and Civil Service, made efforts to reach out to administrative heads and religious and traditional chiefs to discourage forced labor, especially traditional slavery. Enforcement of the law, however, was sporadic.

Forced labor remained a problem. A study conducted by the government and the ILO concluded that in 2011 the prevalence of forced labor was 1.1 percent among the adult population (more than 59,000 persons), 48.8 percent of whom were

engaged in domestic work, and 23.6 percent in agriculture or stockbreeding. These percentages were higher in the regions of Tillabery, Tahoua, and Maradi.

The Tuareg, Djerma, Peulh, Toubou, and Arab ethnic minorities throughout the country, particularly in remote northern and western regions and along the border with Nigeria, practiced a traditional form of caste-based servitude or bonded labor. Persons born into a traditionally subordinate caste or descent-based slavery sometimes worked without pay for those above them in the social order. Such persons were forced to work without pay for their masters throughout their lives, primarily herding cattle, working on farmland, or working as domestic servants. Forced child labor occurred (see section 7.c.).

Also see the Department of State's Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the use of child labor and the employment of children under the age of 14 except as authorized by decree. It prohibits children under the age of 12 from working. Laws addressing the worst forms of child labor do not explicitly prohibit forced or compulsory labor by children, particularly in agriculture. Children who are 12 or 13 may perform nonindustrial light work for a maximum of two hours per day outside of school hours with a labor inspector's authorization, as long as such work does not impede their schooling. Light work is defined as including some forms of domestic work, fruit picking and sorting, and other nonindustrial labor. Children who are 14 to 17 may work a maximum of 4.5 hours per day. Children may not perform work that requires force greater than their strength, may damage their health or development, is risky, or is likely to undermine their morals. The minimum age for hazardous work does not meet the international standard of 18 years of age. In addition, the law does not prohibit hazardous occupations and activities in all relevant child labor sectors, including agriculture. The law requires employers to provide minimum sanitary working conditions for children. The law does not apply to types of employment or work performed by children outside an enterprise, such as self-employment.

The government did not effectively enforce child labor laws, in part due to resource constraints that limited inspectors of the Ministry of Labor and Civil Service. Penalties for violations included fines and imprisonment, but these were not adequate to deter violations. The laws rarely were applied to work performed by children in the nonindustrial/informal sector. The government worked with

international partners to provide relevant education as an inducement to parents to keep their children in school.

Child labor was prevalent. Approximately 50 percent of children between five and 17 years of age (an estimated 1.9 million) were engaged in labor. Almost 62 percent were engaged in hazardous types of work. A study in 2009 indicated that 2.8 percent of working children (an estimated 55,000) were engaged in forced child labor. Implementation and enforcement of policies were not as strong as needed.

Children worked in the agricultural, commercial, handicraft, mining, and domestic service sectors. There was particular concern over the use of child labor in the mining and agricultural sectors. The majority of rural children regularly worked with their families from an early age, helping in the fields, pounding grain, tending animals, gathering firewood and water, and doing similar tasks. Some families kept boys out of school to work as beggars alongside blind relatives.

There were reports some local religious teachers and loosely organized clandestine networks forced young boys to work as beggars and manual laborers and young girls to work as involuntary domestic servants, sometimes with the complicity of their families. The UN special rapporteur on slavery received reports some religious teachers “rented” young students to work in gold mines. Child labor occurred in largely unregulated artisanal gold mining operations as well as in trona (a source of sodium carbonate compounds), salt, and gypsum mines. The artisanal gold mines at Komabangou, Tillabery Region, continued to use many children, particularly adolescent boys and some girls, under hazardous health and safety conditions. The use of cyanide further complicated the health hazards. Komabangou miners, other residents, and human rights groups expressed deep concern about poisoning, but the practice remained widespread. Young boys from neighboring countries were trafficked into the country to work in mines, in quarries, on farms, as mechanics, or as welders. Children were also procured for prostitution.

Persons born into a traditionally subordinate caste or descent-based slavery sometimes worked without pay for those above them in the social order. Estimates of the number of slaves in the country were unreliable. Children became the property of their masters and could be passed from one owner to another as gifts or part of a dowry. Girls were forced to start work as domestic servants at a very young age and could be sexually abused by men in the household or forced to marry at a young age. Children’s work included tending animals, gathering

firewood, fetching water from wells or ponds, and performing other domestic tasks.

Also see the Department of Labor's Findings on the Worst forms of Child Labor at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The constitution provides for equal access to employment for all citizens. The labor code prohibits discrimination in employment and occupation based on race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, HIV-positive status, sickle cell anemia, or other communicable disease. The code prescribes fines for persons engaging in discrimination. The code requires equal pay for equal work and provides benefits for persons with disabilities; however, the government did not effectively enforce the law.

The government, in general, did not effectively enforce the law. The government neither adopted any regulations to implement the labor code nor took any actions to prevent or prosecute employment discrimination. The government had inadequate resources to investigate reports of violations, and penalties were insufficient to deter violations.

Discrimination in employment and occupation occurred with respect to sex and disability. Traditional and religious beliefs resulted in employment discrimination against women. The government requires companies to hire a minimum of 5 percent of individuals with disabilities; however, the government did not enforce the law.

e. Acceptable Conditions of Work

The labor code establishes a minimum wage only for salaried workers in the formal sector with fixed (contractual) terms of employment. Minimum wages are set for each class and category within the formal economy. The lowest minimum wage was 30,047 CFA francs (\$51) per month, with an additional 1,000 CFA francs (\$1.70) added per child per month. The government designated 1,000 CFA francs (\$1.70) per day as the poverty income level. In 2011 the government reported 48.2 percent of citizens lived below that level.

The formal economy's legal workweek is 40 hours with a minimum of one 24-hour rest period, although the Ministry of Labor and Civil Service authorized workweeks of up to 72 hours for certain occupations such as private security guards, domestic workers, and drivers. The law provides for paid annual holidays. The law provides special arrangements regarding the mining and oil sectors whereby the Ministry of Labor and Civil Service may grant waivers regarding work hours based on these two sectors' specific nature and make allowances for working larger blocks of time in exchange for time off. Workers may work for two weeks beyond normal work hours, in compensation for which they are entitled to two weeks' rest. Employers must provide premium pay for overtime, although the law does not set a specific rate. Article 246 of the labor code calls for a maximum eight hours of overtime per week, but this was not enforced. Employees of each enterprise or government agency negotiate with their employer to set the rate.

The labor code establishes occupational safety and health standards, which are current and appropriate for the main industries. It extends labor inspectors' authority and provides for sanctions, including a mandatory appearance before labor inspectors for resolving labor disputes. By law workers may remove themselves from situations that endangered health or safety without jeopardy to their employment, and there are no exceptions from such protections for migrant or foreign workers. Nevertheless, authorities did not effectively protect employees in such situations. In the nonunionized informal sector, despite the law, it was unlikely workers could exercise the right to sick leave without jeopardizing their employment.

The Ministry of Labor and Civil Service effectively enforced minimum wages and workweek laws only in the regulated formal economy. The ministry deployed approximately 60 inspectors nationwide, who were responsible for enforcing the labor code. The number of inspectors was not sufficient to enforce compliance. The ministry had limited resources in relation to its needs for transportation, fuel, and other basic resources to carry out inspections effectively. As a result, despite the code's strengthening the authority of labor inspectors and imposing more-stringent penalties, the number of investigations and prosecutions was still not adequate compared to the extent of the country's labor problems. Ministry officials observed that monetary sanctions were not stringent enough to deter violations.

Violations of provisions governing wages, overtime, and work conditions reportedly occurred in the petroleum and mining sectors, including at gold mines,

oil fields, and oil refineries. Groups of workers in hazardous or exploitive work conditions included mineworkers including children, domestic workers, and persons in traditional slavery. In the traditional gold mining sector, the use of cyanide posed serious health hazards for workers and surrounding communities. Investors could rent a tract of land and the right to mine it for 20,000 CFA francs (\$34). Typically, they then hired foremen who assembled a team of miners. When ore was collected, the foremen and miners received a share of the ore--in most cases the only direct payment for their labor. An estimated 80 percent of the mining workforce worked in the informal sector.

Union workers in many cases did not receive information about the risks posed by their jobs. According to the Ministry of Labor and Civil Service, in 2013 there were 229 work-related accidents, including nine fatalities. All cases were compensated as required by law. Most accidents related to the mining sector.